

REMARKS

Claims 1 to 12 are in the application.

As a result of the foregoing amendment, the specification has been amended to provide appropriate headings and to remove references to the claims.

The claims have been amended to overcome the rejection under 35 U.S.C. 112, second paragraph.

Specifically, it is now clear in the claims that reference numeral 3 refers to the movable roof part. Claim 1 has further been amended to provide a proper antecedent basis where necessary.

With respect to claim 5, it is respectfully submitted that Fig. 1 clearly shows the rear bow 27 having hook-like ends which clip beneath the rear section of the roof. Also, with respect to claim 8, it is respectfully pointed out that the specification mentions on page 14, lines 14-18, that optionally the rear roof part 5 can be lowered below the belt line 31 over the stack of the front roof part 3 to form a full convertible. It is submitted that the drawing, for example in Fig. 5, clearly shows the possibility of completely lowering the rear section 5.

The word ``especially'' has been deleted from claim 1.

Reconsideration and withdrawal of the rejection of claims 1, 2, 4, 7 and 11 under 35 U.S.C. 102(e) as being anticipated by U.S. patent application publication no. 2005/0088008-A1 to Quindt et al. are respectfully requested.

Applicant respectfully submits that the reference relied on by the Examiner does not anticipate the present invention as claimed in the present application.

Clearly, the reference to Quindt et al. does not disclose a roof with a first roof part which extends from the windshield frame to a rear roof part and whose rear section can be opened while the front part remains closed. However, the part referred to in the Office Action as a ``rigid movable rear section 26'' is actually not a component of the convertible top, but rather forms a cover part; in the reference it is referred to as a storage arc cover 26, as mentioned on page 4, paragraph 0055. The reference further mentions that alternatively this structural unit 26 may also be called Tonneau cover, as mentioned in the last line of paragraph 0055.

In accordance with the present invention as claimed, at least two parts of the roof are required which are located one behind the other, wherein the front part can be opened in its rear area, i.e., in the area adjacent the rear roof part. In contrast, the convertible top according to the reference only has one roof cover which extends from the front to the rear and which of course is with its rear end placed on the cover 26 and can be opened, as has been the case for decades in many roofs having a rear bow.

In addition, the cover 26 of the reference cannot be opened as long as the roof is completely closed because in that situation, the end of the roof is placed on the cover. Contrary to the position taken by the Examiner, this can also not be found in paragraph 8. At any rate, this feature is not of significance, because the cover 26, as already mentioned, is not a component of the roof.

However, in accordance with the present invention, the rear section of the part 3 can be opened while driving, as mentioned, for example, in claim 3. In the amended specification on pages 2 and 3, it is mentioned that one of the advantages of the invention is the fact that the open rear section constitutes a ventilation

opening and by raising the rear section of the front roof part, the air flow attack surface is minimized.

The reference, on the other hand, only provides the possibility of either closing the roof or completely opening it, as mentioned in German reference 199 26 474 A1 discussed in the second paragraph on page 1 of the specification of the present application.

Accordingly, it is respectfully submitted that the claims as amended are patentably distinct over the reference relied on by the Examiner.

Accordingly, it is submitted that the present invention as claimed is patentable over the art of record.

An Information Disclosure Statement directed to the references cited in the International Search Report is being filed concurrently herewith.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By: *FK Kueffner*
Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on April 24, 2007.

By: *FK Kueffner*
Friedrich Kueffner

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